

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM JAMES WALLACE, II,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

No. 1:20-cv-00905-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 22)

Plaintiff William James Wallace is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 22, 2020, the assigned magistrate judge issued a screening order, finding that plaintiff's complaint states cognizable claims against Defendant California Department of Corrections and Rehabilitation ("CDCR") and Defendants J. Ourique and S. Smith in their official capacities for violations of the Americans with Disabilities Act ("ADA"). (Doc. No. 20). The magistrate judge directed plaintiff, within 21 days, to file a first amended complaint curing the deficiencies in his pleading or to notify the court of his desire to proceed only on the claims found cognizable. (*Id.* at 1, 10-11.) On November 17, 2020, plaintiff filed a "motion to proceed on claims found cognizable by this Court." (Doc. No. 21.)

1 Accordingly, on November 20, 2020, the magistrate judge filed findings and  
2 recommendations, recommending that (1) Defendants Krzysiak, Merritt, and Sherman be  
3 dismissed and (2) the claims in plaintiff's complaint be dismissed, except for its ADA claims  
4 against Defendant CDCR and Defendants Ourique and Smith in their official capacities. (Doc.  
5 No. 22.) The findings and recommendations were served on plaintiff and provided him 14 days  
6 to file objections thereto. (*Id.* at 2.) Plaintiff has not filed any objections and the time to do so  
7 has passed.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
9 *de novo* review of this case. Having carefully reviewed the file, the court finds the findings and  
10 recommendations to be supported by the record and proper analysis.

11 Accordingly,

- 12 1. The findings and recommendations issued on November 20, 2020 (Doc. No. 22)  
13 are adopted in full;
- 14 2. Defendants Krzysiak, Merritt, and Sherman are dismissed;
- 15 3. The claims in plaintiff's complaint are dismissed, except for the ADA claims  
16 against Defendants CDCR and Defendants Ourique and Smith in their official  
17 capacities; and,
- 18 4. This case is referred back to the assigned magistrate judge for further proceedings.

19 IT IS SO ORDERED.

20 Dated: **January 8, 2021**

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23 UNITED STATES DISTRICT JUDGE  
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